

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS L. WINGERT,

Defendant.

) Case No. 2:09-mj-00118-LRL

)
) **COMPLAINT** for violation of 36 C.F.R.
) §§ 4.23(a)(1), 4.23(a)(2), 4.15(a), 4.2, 18
) U.S.C. § 13, NRS 482.545(2) - Operating a
) Motor Vehicle the Under Influence of
) Alcohol; Operating a Motor Vehicle With a
) BAC of 0.08 Grams or Higher; Failure to
) Use Child Restraint Systems; Suspended
) Registration

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned complainant, being first duly sworn, states:

Count One
(Operating a Motor Vehicle Under
the Influence of Alcohol)

That on or about September 12, 2008, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **THOMAS L. WINGERT**, defendant herein, did operate a 2006 Hyundai bearing Nevada license plate #151 UAD under the influence of alcohol to a degree that rendered the defendant incapable of safe operation, to wit: **THOMAS L. WINGERT** was observed operating said motor vehicle and had a strong odor of an alcoholic beverage on his breath, his eyes were bloodshot, his speech was fair, and his balance was swaying; and **THOMAS L. WINGERT** admitted to drinking two beers; all in violation of Title 36, Code of Federal Regulations, Section 4.23(a)(1).

Count Two

(Operating a Motor Vehicle With
a BAC of 0.08 Grams or Higher)

That on or about September 12, 2008, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **THOMAS L. WINGERT**, defendant herein, did operate a 2006 Hyundai bearing Nevada license plate #151 UAD with an alcohol concentration in the defendant's breath of 0.08 grams or more of alcohol per 210 liters of breath, to wit: "Intoxilyzer 5000" test results of 0.130 grams and 0.128 grams, respectively; all in violation of Title 36, Code of Federal Regulations, Section 4.23(a)(2).

Count Three

(Failure to Use Child Restraint Systems)

That on or about September 12, 2008, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **THOMAS L. WINGERT**, defendant herein, did operate a 2006 Hyundai bearing Nevada license plate #151 UAD in a park area and did not have the safety belt or child restraint system properly fastened at all times when the vehicle was in motion, to wit: **THOMAS L. WINGERT** operated said motor vehicle and had two unrestrained children, a two-year-old and a four-year-old, in the vehicle that were on the laps of adult passengers while the vehicle was in motion; all in violation of Title 36, Code of Federal Regulations, Section 4.15(a).

Count Four

(Suspended Registration)

That on or about September 12, 2008, in the State and Federal District of Nevada, within the boundaries of the Lake Mead National Recreation Area, **THOMAS L. WINGERT**, defendant herein, did operate a 2006 Hyundai bearing Nevada license plate #151 UAD and displayed, caused or permitted to be displayed or to have in possession any certificate of registration, license plate, certificate of title, temporary placard, movement permit or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered, to wit: a standard check of the vehicle's registration through the Lake Mead Communications Center revealed that it was

1 suspended; all in violation of Title 18, United States Code, Section 13, and Title 36, Code of Federal
2 Regulations, Section 4.2/NRS 482.545(2).

3 Complainant, as and for probable cause, states the following:

4 1. Complainant is a Park Ranger with the National Park Service, Lake Mead National
5 Recreation Area, Clark County, Nevada, and has been employed as a law enforcement officer for
6 approximately four years.

7 2. The following information is the result of either complainant's own personal
8 investigation, or has been provided by other law enforcement officers:

9 (a) On September 12, 2008, National Park Service Ranger Brian Lake was
10 on routine patrol within the boundaries of the Lake Mead National Recreation Area, Clark County,
11 Nevada.

12 (b) While so engaged, Ranger Brian Lake observed a 2006 Hyundai bearing
13 Nevada license plate #151 UAD traveling westbound on the South Boulder Beach access road near
14 Boulder Beach. The driver of the vehicle flagged down Ranger Brian Lake to ask him a question. A
15 standard check of the vehicle's license plate through the Lake Mead Communications Center revealed
16 that it was in suspended status.

17 (c) Ranger Brian Lake effected an enforcement stop on this vehicle and
18 contacted the operator, **THOMAS L. WINGERT**, who exited the vehicle quickly and approached
19 Ranger Brian Lake's patrol vehicle.

20 (d) During this face to face contact with **THOMAS L. WINGERT**, Ranger
21 Brian Lake detected a strong odor of an alcoholic beverage on his breath and observed that his eyes
22 were bloodshot, his speech was fair, and his balance was swaying. **THOMAS L. WINGERT**
23 admitted to drinking two beers at the Boulder Beach campground one-half hour before being stopped.

24 (e) The following are the results of Field Sobriety Tests which were
25 administered to **THOMAS L. WINGERT**:

26 . . .

LP Leano
UNITED STATES MAGISTRATE JUDGE